

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
CLERK'S OFFICE

CITY OF CHICOPEE, Acting through the Chicopee Public Schools,	)	U.S. DISTRICT COURT DISTRICT OF MASSACHUSETTS
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 04-30087-MAP
DAVID T. As Parent and next friend of Kaitlyn T. and MASSACHUSETTS DEPARTMENT OF EDUCATION,	)	
Defendants.	)	

**DEFENDANT MASSACHUSETTS DEPARTMENT OF EDUCATION'S MOTION  
TO AMEND SCHEDULING ORDER TO ENLARGE, UNTIL SEPTEMBER 17, 2004,  
TIME PERIOD WITHIN WHICH TO FILE OPPOSITION TO  
PLAINTIFF'S MOTION FOR LEAVE TO OFFER ADDITIONAL EVIDENCE**

Defendant Massachusetts Department of Education -- by and through the Attorney General of the Commonwealth of Massachusetts, its counsel -- moves, with the assent of plaintiff City of Chicopee, Acting through the Chicopee Public Schools, pursuant to FED. R. CIV. P. 6(b)(1) and 16(b), that the Court amend the *Scheduling Order*, ¶ 2 (docket, paper no. 36) to enlarge, until September 17, 2004, the time period within which the Department may file its opposition to the plaintiff's motion for leave to offer additional evidence.

As grounds for this motion, the Department states that its undersigned counsel needs a short additional enlargement to complete the opposition to the motion and the Department will be filing a complement to the administrative record containing documents omitted through oversight from the record as already filed and the plaintiff's motion references these documents. (A telephone

message left this afternoon for counsel of record for co-defendant David T. as parent and next friend of Kaitlyn T., has not yet been returned.)

CONCLUSION

Wherefore, the Department respectfully requests that this Court allow this motion.

By its attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

By: James S. Whitcomb  
James S. Whitcomb  
Assistant Attorney General  
Western Massachusetts Division  
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Springfield, MA 01103-1629  
(413) 784-1240, ext. 113 (telephone)  
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B.B.O. No. 557768

**ASSENTED-TO:**

CITY OF CHICOPEE, Acting through the  
Chicopee Public Schools

By its attorney,

Claire L. Thompson /  
Claire L. Thompson, Esquire  
Doherty, Wallace, Pillsbury & Murphy, P.C.  
One Monarch Place  
1414 Main Street, 19<sup>th</sup> Floor  
Springfield, MA 01144  
(413) 733-3111 (telephone no.)  
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B.B.O. No. 550262

J.S.W.

DATED: September 14, 2004.

**CERTIFICATE OF SERVICE**

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 14<sup>th</sup> day of September 2004, I served the foregoing *Defendant Massachusetts Department of Education's Motion to Amend Scheduling Order to Enlarge, until September 17, 2004, Time Period Within which to File Opposition to Plaintiff's Motion for Leave to Offer Additional Evidence* on both other parties by either delivering or mailing – as indicated below – a true copy of the document to each other party's respective counsel of record:

Claire L. Thompson, Esquire  
Doherty, Wallace, Pillsbury  
& Murphy, P.C.  
One Monarch Place  
1414 Main Street, 19<sup>th</sup> Floor  
Springfield, MA 01144

(*By Delivering*)

Derek M. Beaulieu, Esquire  
1242 Main Street, Suite 306  
Springfield, MA 01103

(*By Mailing*)



James S. Whitcomb